

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 EARTHBOUND CORPORATION,
9 *et al.*,

10 Plaintiffs,

11 v.

12 MITEK USA, INC.,

13 Defendant.
14

)
) CASE NO. C16-1150 RSM
)
)

) MINUTE ORDER
)
)
)
)
)
)
)
)

15 The following MINUTE ORDER is made by direction of the Court, the Honorable
16 Ricardo S. Martinez, Chief United States District Judge:
17

18 On August 19, 2016, the Court granted a temporary restraining order in this matter, and
19 directed Plaintiff Earthbound to deposit a bond in the amount of \$1,000 into the Court's registry.
20 Dkt. #46. Those funds were subsequently deposited. Dkt. #48. On September 26, 2016, this
21 matter was transferred to the Central District of California. Dkt. #63. However, Plaintiff's funds
22 remain deposited in this Court. Accordingly, the Court directed Plaintiff to file a Status Report
23 advising whether the Court should continue to hold the bond funds. Dkt. #64.
24

25 Plaintiff filed a status report as requested, informing the Court that the case has resolved,
26 and "respectfully request[ing] that the Court release its deposit of \$1,000 from the Court registry to
27 its counsel." Dkt. #65. As this Court directed Plaintiff in its prior Minute Order, **should Plaintiff**
28

1 request that the funds be withdrawn, transferred or otherwise distributed, Plaintiff shall make
2 such a request by motion with the Court. Dkt. #64. Plaintiff has failed to follow those
3 instructions. Accordingly, if Plaintiff now seeks release of its funds, it must make a motion for that
4 release.

5 Pursuant to Local Civil Rule 67:

6
7 All motions for disbursement of registry funds shall specify the principal sum
8 initially deposited, the amount(s) of principal funds to be disbursed and to
9 whom the disbursement is to be made. Each proposed order shall contain the
10 following language: **"... the clerk is authorized and directed to draw a**
11 **check(s) on the funds deposited in the registry of this court in the**
12 **principal amount of \$ plus all accrued interest, minus any statutory users**
13 **fees, payable to (name of payee) and mail or deliver the check(s) to (name**
14 **of payee)."** If more than one check is to be issued pursuant to a single order,
the portion of principal and interest due each payee must be separately stated.

13 The court requires the mailing address(es), Social Security number(s) or Tax
14 ID(s) of the disbursement recipients be provided to the Clerk and shall not be
filed in the record.

15 LCR 67(b) (emphasis added). Thus, before the Court can release Plaintiff's funds, Plaintiff must
16 file a motion and proposed Order in compliance with this Rule. Any such motion shall also
17 comply with Local Civil Rule 7.
18

19 DATED this 11th day of August, 2017.

20 WILLIAM McCOOL, Clerk

21 By: /s/ Rhonda Stiles
22 Deputy Clerk
23
24
25
26
27
28